

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2008-0895-AIR-E TCEQ ID: RN102547650 CASE NO.: 35985

RESPONDENT NAME: LAURO GONZALEZ DBA LAURO'S WELDING AND SANDBLASTING

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Intersection of Highway 44 and Highway 77, Robstown, Nueces County</p> <p>TYPE OF OPERATION: surface coating and abrasive cleaning</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: One complaint has been received. The complaint alleged that overspray and sandblasting dust was leaving the Plant and traveling east onto neighboring properties. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: The complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 23, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Anna M. Cox, Litigation Division, MC 175, (512) 239-0974 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019 TCEQ Enforcement Coordinator: Mr. Jeremy Escobar, Water Enforcement Section, MC 149, (512) 239-1460 TCEQ Regional Contact: Mr. David Turner, Corpus Christi Regional Office, MC R-14, (361) 825-3100 Respondent: Mr. Lauro Gonzalez, Owner, Lauro's Welding and Sandblasting, P.O. Box 643, Robstown, Texas 78380 Respondent's Attorney: Mr. Reynaldo Martinez, Jr., Martinez Law Firm, 915 Kinney Street, Corpus Christi, Texas 78401</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: December 17, 2007</p> <p>Dates of Investigation Relating to this Case: February 8, 2008</p> <p>Date of NOE Relating to this Case: April 22, 2008</p> <p>Background Facts: The case was referred to the Litigation Division November 13, 2008. The Respondent signed the Agreed Order January 15, 2009.</p> <p>Compliance Status: The Respondent has not yet submitted compliance documentation.</p> <p>AIR: Failed to obtain authority to operate a site with air emissions [30 TEX. ADMIN. CODE § 116.110(a)(1), TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b)].</p>	<p>Total Assessed: \$4,000</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid/Due to General Revenue: \$320/\$3,680</p> <p>The Respondent paid \$320 of the administrative penalty. The remaining amount of \$3,680 of the administrative penalty shall be payable in 23 monthly payments of \$160 each.</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 30 days, either: <ol style="list-style-type: none"> Certify compliance with the operating and record keeping requirements of 30 TEX. ADMIN. CODE §§ 106.433 and 106.452; or Submit an administratively complete permit application for the abrasive cleaning and surface coating operations to TCEQ. If a permit application is submitted, respond completely and adequately to all requests for information concerning permit application within 30 days after the date of such request, or by any other deadline specified in writing. Within 180 days, submit written certification demonstrating compliance.



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision April 29, 2008

TCEQ

DATES	Assigned	28-Apr-2008	Screening	2-Jun-2008	EPA Due	
	PCW	2-Jun-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Lauro Gonzalez dba Lauro's Welding and Sandblasting		
Reg. Ent. Ref. No.	RN102547650		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	35985	No. of Violations	1
Docket No.	2008-0895-AIR-E	Order Type	1660
Media Program(s)	Air	Enf. Coordinator	Audra L. Ruble
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	0.0% Enhancement	Subtotals 2, 3, & 7	\$0
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Notes	No adjustments recommended based on Average Performer classification.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply	0.0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
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Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes	The Respondent does not meet the good faith criteria.
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	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$209	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$4,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,000
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DEFERRAL		Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$4,000
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Screening Date 2-Jun-2008

Docket No. 2008-0895-AIR-E

PCW

Respondent Lauro Gonzalez dba Lauro's Welding and Sandblasting

Policy Revision 2 (September 2002)

Case ID No. 35985

PCW Revision April 29, 2008

Reg. Ent. Reference No. RN102547650

Media [Statute] Air

Enf. Coordinator Audra L. Ruble

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

No adjustments recommended based on Average Performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 0%

Screening Date 2-Jun-2008		Docket No. 2008-0895-AIR-E		PCW		
Respondent Lauro Gonzalez dba Lauro's Welding and Sandblasting				<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 35985				<i>PCW Revision April 29, 2008</i>		
Reg. Ent. Reference No. RN102547650						
Media [Statute] Air						
Enf. Coordinator Audra L. Ruble						
Violation Number		<div style="border: 1px solid black; padding: 2px; text-align: center;">1</div>				
Rule Cite(s)		<div style="border: 1px solid black; padding: 2px;">30 Tex. Admin. Code § 116.110(a)(1); Tex. Health & Safety Code §§ 382.0518(a) and 382.085(b)</div>				
Violation Description		<div style="border: 1px solid black; padding: 2px;">Failed to obtain authority to operate a site with air emissions, as documented during an investigation conducted on February 8, 2008. Specifically, records reviewed for the period of January through December 2007 show that the material usage for abrasive cleaning was approximately 286 tons and the material usage for surface coating was approximately 5,372 gallons. The Plant has continued to operate without proper authorization.</div>				
Base Penalty					<div style="border: 1px solid black; padding: 2px; text-align: right;">\$10,000</div>	
>> Environmental, Property and Human Health Matrix						
OR	Harm					
	Release	Major	Moderate	Minor		
	Actual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
	Potential	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	Percent	<div style="border: 1px solid black; padding: 2px; text-align: right;">0%</div>
>> Programmatic Matrix						
	Falsification	Major	Moderate	Minor		
	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>		
					Percent	<div style="border: 1px solid black; padding: 2px; text-align: right;">10%</div>
	100% of the requirement was not met.					
Adjustment					<div style="border: 1px solid black; padding: 2px; text-align: right;">\$9,000</div>	
<div style="border: 1px solid black; padding: 2px; text-align: right;">\$1,000</div>						
Violation Events						
Number of Violation Events		<div style="border: 1px solid black; padding: 2px; text-align: center;">4</div>	Number of violation days		<div style="border: 1px solid black; padding: 2px; text-align: center;">115</div>	
<i>mark only one with an x</i>	daily	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	monthly	<div style="border: 1px solid black; width: 40px; height: 15px; text-align: center;">x</div>				
	quarterly	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	semiannual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	annual	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
	single event	<div style="border: 1px solid black; width: 40px; height: 15px;"></div>				
Four monthly events are recommended from investigation (February 8, 2008) through screening (June 2, 2008).					Violation Base Penalty	
					<div style="border: 1px solid black; padding: 2px; text-align: right;">\$4,000</div>	
Economic Benefit (EB) for this violation						
Estimated EB Amount					<div style="border: 1px solid black; padding: 2px; text-align: right;">\$209</div>	
Statutory Limit Test						
Violation Final Penalty Total					<div style="border: 1px solid black; padding: 2px; text-align: right;">\$4,000</div>	
This violation Final Assessed Penalty (adjusted for limits)					<div style="border: 1px solid black; padding: 2px; text-align: right;">\$4,000</div>	

Economic Benefit Worksheet

Respondent: Lauro Gonzalez dba Lauro's Welding and Sandblasting
Case ID No.: 35985
Reg. Ent. Reference No.: RN102547650
Media: Air
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$2,500	1-Jul-2007	1-Mar-2009	1.67	\$209	n/a	\$209
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit permit application. Date required is when the usage rate was initially exceeded and Final date is when compliance is expected to be achieved.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$209

Compliance History

Customer/Respondent/Owner-Operator:	CN601302383	Lauro Gonzalez	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN102547650	LAURO'S WELDING AND SANDBLASTING	Classification: AVERAGE	Site Rating: 3.00
ID Number(s):	AIR NEW SOURCE PERMITS	PERMIT		48686
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER		NE0341M
	AIR NEW SOURCE PERMITS	PERMIT		48687
Location:	HIGHWAY 44 & 77, ROBSTOWN		Rating Date: September 01 07 Repeat Violator: NO	
TCEQ Region:	REGION 14 - CORPUS CHRISTI			
Date Compliance History Prepared:	May 29, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	May 29, 2003 to May 29, 2008			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Audra Ruble Phone: (361) 825-3126

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
4/22/08
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- F. Environmental audits.
N/A
- G. Type of environmental management systems (EMSs).
N/A
- H. Voluntary on-site compliance assessment dates.
N/A
- I. Participation in a voluntary pollution reduction program.
N/A
- J. Early compliance.
N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
LAURO GONZALEZ DBA
LAURO'S WELDING AND
SANDBLASTING
RN102547650**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2008-0895-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Lauro Gonzalez dba Lauro's Welding and Sandblasting ("Mr. Gonzalez") under the authority of TEX. WATER CODE ch. 7 and TEX. HEALTH & SAFETY CODE ch. 382. The Executive Director of the TCEQ, represented by the Litigation Division, and Mr. Gonzalez represented by Reynaldo Martinez, Jr. of the law firm of Martinez Law Firm, appear before the Commission and together stipulate that:

1. Mr. Gonzalez owns and operates a surface coating and abrasive cleaning operation located on Highway 44 at the intersection of Highway 44 and Highway 77, Robstown, Nueces County, Texas (the "Plant").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 382 and TCEQ rules.
3. The Commission and Mr. Gonzalez agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Gonzalez is subject to the Commission's jurisdiction.
4. Mr. Gonzalez received notice of the violations alleged in Section II ("Allegations") on or about April 27, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Gonzalez of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of four thousand dollars (\$4,000.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Gonzalez has paid three hundred twenty dollars (\$320.00) of the administrative penalty. The remaining amount of three thousand six hundred eighty dollars (\$3,680.00) of the administrative penalty shall be payable in 23 monthly payments of one hundred sixty dollars (\$160.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Mr. Gonzalez fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Mr. Gonzalez's failure to meet the payment schedule of this Agreed Order constitutes the failure by Mr. Gonzalez to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Mr. Gonzalez have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Gonzalez has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

During an investigation conducted on February 8, 2008, a TCEQ Corpus Christi Regional Office investigator documented that Mr. Gonzalez violated 30 TEX. ADMIN. CODE § 116.110(a)(1) and TEX. HEALTH & SAFETY CODE §§ 382.0518(a) and 382.085(b) by failing to obtain authorization to operate a plant with air emissions. Specifically, records reviewed

for the period of January 2007 through December 2007 show that the material usage for abrasive cleaning was approximately 286 tons and the material usage for surface coating was approximately 5,372 gallons. The Plant has continued to operate without proper authorization.

III. DENIALS

Mr. Gonzalez generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Gonzalez pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and Mr. Gonzalez's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Lauro Gonzalez dba Lauro's Welding and Sandblasting, Docket No. 2008-0895-AIR-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Mr. Gonzalez shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, Mr. Gonzalez shall certify compliance with the operating and record keeping requirements of 30 TEX. ADMIN. CODE §§ 106.433 and 106.452; or submit an administratively complete permit application for the abrasive cleaning and surface coating operations, in accordance with 30 TEX. ADMIN. CODE § 116.110(a) to:

Air Permits Division, MC 163
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. If a permit application is submitted, then respond completely and adequately, as determined by the TCEQ, to all request for information concerning his permit

application within 30 days after the date of such request, or by any other deadline specified in writing; and

- c. Within 180 days after the effective date of this Order, Mr. Gonzalez shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Mr. Gonzalez shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.b to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

David Turner, Air Section Manager
Texas Commission on Environmental Quality
Corpus Christi Regional Office
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Gonzalez. Mr. Gonzalez is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.

4. If Mr. Gonzalez fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Gonzalez's failure to comply is not a violation of this Agreed Order. Mr. Gonzalez shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Gonzalez shall notify the Executive Director within seven days after Mr. Gonzalez becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Gonzalez shall be made in writing to the Executive Director. Extensions are not effective until Mr. Gonzalez receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Gonzalez in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T. CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Mr. Gonzalez, or three days after the date on which the Commission mails notice of the Order to Mr. Gonzalez, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

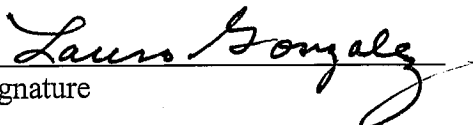
March 3, 2009
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution.


Signature

1-15-09
Date

LAURO GONZALEZ
Name (Printed or typed)

Owner
Title

Lauro Gonzalez dba Lauro's Welding and Sandblasting